IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

Bail Appl..No. 5007 of 2007()

CRIME NO.132/2007 OF KANNUR CITY POLICE STATION

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PETITIONER : ACCUSED

T.M.SHAKEEL, S/O.MUHAMADALI,
AGED 35 YEARS, OCCUPATION NIL,
"INSHA", THANA (P.O.), KANNUR 670012.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS: COMPLAINANT:

STATE REPRESENTED BY THE S.H.O.
CITY POLICE STATION, KANNUR, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.5007 of 2007

Dated this the 20th day of August, 2007

ORDER

Application for anticipatory bail. The petitioner is the husband of the defacto complainant. Crime has been registered on the basis of a complaint filed before the learned Magistrate and referred by the learned Magistrate under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest. He faces allegations under Section 498 A I.P.C. Though other co-accused were also arrayed as accused in that complaint, it is submitted that at present only the petitioner continues in the array of accused.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can now be granted anticipatory bail subject to appropriate conditions. In coming to this conclusion, I take note of the fact that the marriage had taken place in 2003. The spouses are blessed with one child. There is no allegation of any physical cruelty which had resulted in any injuries for the defacto complainant. Appropriate conditions can of course be imposed in the interests of a fair, efficient and expeditious investigation.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 30.08.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 1 p.m on 31.08.2007 and 01.09.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently the petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 30.08.07 as directed in clause (1) above, he shall be released from

custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 30.08.07.

(R.BASANT, JUDGE)

rtr/-